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UCSA Hears CIA Protesters

by CARL S. SMITH

For more than seven hot, smoky, trying hours, the University Council on Student Affairs yesterday conducted a hearing on the University's charges against thirteen students who participated in last Tuesday's sit-in at the University Placement Office to protest the appearance of a recruiter for the Central Intelligence Agency.

The UCSA will not announce whether a decision has been reached until the accused are informed.

The hearings were in two almost equal length sessions, one beginning at 2 p.m., the other at approximately 7:15. The afternoon was devoted to preliminary statements and the presentation of the prosecution argument by Dean Brennan. The evening session consisted of the defense argument, presented by several of the accused and their spokesmen.

A fourteenth student under like charges, Janet D. Kitzes '71, could not attend the Commons Room session because she is in the infirmary. Her case will be heard when she gets out.

The hearings were held by request of the students involved in accordance with procedure recommended in the Magrath Report as passed by the Corporation June 3, 1967, and in specific reference to President Ray Heffner's September 18 letter to all students. In a letter dated November 1, each student (eight undergraduates, four graduate students, and two Pembroke) received

a letter from his dean notifying him of his having been charged "with interfering with the normal educational function of the University."

"Specifically," this letter continued, "you are accused of physically obstructing the entry" of Michael J. Brennan, Dean of the Graduate School, and James W. Gurll, a recruiter for the CIA, into the Placement Office at 90 Waterman Street. The letter informed each student that the charge was, as warned by Dean Brennan at the Placement Office, "serious enough to warrant possible dis-

missal." It then told each student of his right to have his case heard before his dean or the University Council.

The students, having agreed to have their case heard as a group before the Council, each received a letter dated November 6 from Council chairman Durand Echeverria, professor of French. The letter reminded the students of the physical obstruction charge and went on to note the Council's ruling at a preliminary meeting on the case.

"The Council has ruled," the letter indicated, "that the accusation consti-

tutes an alleged infraction of policy number 1 and number 7 in the letter of President Heffner to all students, dated September 18, 1967. That is, the alleged obstruction of entry cited above is an alleged form of protest which involves physical force or physical obstruction, and which seriously interferes with the normal educational function of the University."

The letter included the place, time, and procedure of the committee hearing, adding that each student could be represented "by one person of his choice who may, if the student wishes, speak on behalf of the student."

Specifically, policies 1 and 7 of Dr. Heffner's letter read as follows:

1. "The rights of peaceful assembly, free exchange of ideas, and orderly protest are among the basic rights of all members of a university community. Forms of protest which involve physical force or physical obstruction, however, have no rightful place in Brown University. Students engaging in such forms of protest shall be subject to University discipline."

7. "It is improper and unnecessary for a university to attempt to duplicate the law enforcement functions of the civil state. It is not, however, inappropriate for a university to initiate potential disciplinary sanctions in cases where a student's behavior not only makes him liable to prosecution by the civil authorities but also cast doubt on his fitness

as a member of the university community. Students who act in a way which adversely affects or seriously interferes with the normal educational function of the University, or which injures and endangers the welfare of any of its members, shall be subject to University discipline. Except in such situations, students shall not be subject to potential University discipline as a consequence of clearly political activities that may result in violations of the civil law."

Within drawn curtains and beneath a chandelier draped with a tape recorder microphone, Chairman Echeverria opened the preliminary proceedings. He noted that the Council was a committee, not a court, and need not follow technical courtroom procedure. A university lawyer was present in case questions of law arose.

Mr. Echeverria stated that purpose of the hearing was to ascertain the true facts relevant to the case and to establish if a violation of University rules occurred. If the Council recognized such a violation, he added, it would decide what action the University should take. He then outlined the procedure of the hearing.

After reiterating the charges as stated in his letter to the accused, Professor Echeverria recognized Dean Brennan to speak for the prosecution. Dean Brennan's testimony basically centered on a documented description of the events that took place the morning of October 31, the day of the demonstration.

Mr. Brennan first related the story of the confrontation beginning with his and Mr. Gurll's approach to the Placement Office and ending with their departure. He offered a series of photographs taken by an employee of the Brown Photo Lab in order to clarify the exact

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After his testimony, Dean Brennan entertained questions from the Council and the defense, a procedure decided by the Council. He explained when asked why he was at the Placement Office that he had several indications that a demonstration would occur and he felt it his responsibility as Graduate School Dean (the interviewer came to see graduate students) "to be there should anything occur."

The Council went on questioning Dean Brennan, attempting to work out a definition for obstruction. The prosecutor pointed out that it was up to the Council to decide if he was obstructed, indicating that the demonstrators within the office "did not provide a path" when he so requested.

Both the Council and the student questions also centered on whether Dean Brennan's and Mr. Gurll's decision to leave the office was made beforehand. Mr. Brennan noted that he did not make the decision until he reached the office, but that he had "a thought in my mind that if something happened, I

would cancel the interviews." He replied to a later question that the decision to cancel the interviews was his own.

In their questions, the accused kept emphasizing the non-violent and serious nature of their protest. They also attempted to raise the question of whether recruiting is a "normal educational function" and of whether the CIA should recruit on campus.

At 4:10 Mr. Brennan called as a witness James Calogero, University Public Information Director, and asked him to relate what had occurred at the Placement Office. Mr. Calogero termed himself an "impartial observer," and explained his presence at the scene as part of his job. The former Associated Press Boston bureau chief spoke from notes he took at the time, his testimony corroborating Mr. Brennan's.

Again questions centered on the issue of obstruction. When asked by Mr. Echeverria if the protesters inside the building (both Mr. Brennan and Mr.

Calogero agreed that the protesters picketing outside in no way obstructed the two men, he replied, "They could not pass in a normal way."

After a short recess Mr. Brennan offered two final pieces of evidence. The first was an approximately five-minute film taken by a WPRI-TV cameraman the morning of the demonstration. The film covered parts of the sequence of events from the beginning of the picketing and leaflet distribution to the entry and departure of the Dean and the interviewer.

A round of laughter went through the entire room at the appearance in the film of Mr. Gurll in a trench coat and dark glasses. At the request of Michael Tash, one of the accused graduate students, the section of the film taken inside the Placement Office was re-run in slow motion.

The final piece of prosecution evidence was a tape transcript of the confrontation recorded by WBRU. Unlike the film, the tape covered the confrontation in full. After the recording was played, the hearing was adjourned for dinner.

The evening session began after some irregularities. At first both Rosemary Pierrel, Dean of Pembroke, and Henry Kucera, Professor of Slavic Languages and Dean Brennan's designate to replace him on the Council, were missing. The Council decided to wait for Miss Pierrel before proceeding.

The Pembroke dean appeared in about five minutes and Professor Echeverria prepared to re-open the hearing. Several of the accused held it highly irregular to proceed without all members of the Council. The Council Chairman held that it was the right of the body to decide its own procedure, stating, "This doesn't concern anyone but the Council."

Mr. Echeverria explained that Professor Kucera was entertaining a visiting lecturer-

possible. Miss Pierrel suggested a tical recording of the section he missed after the hearing. Mark Augenblick '68, a student member of the Council, strongly objected to this suggestion and moved that Mr. Kucera be excluded from voting if he did not show up reasonably soon. The motion passed, 6-5, with the six student members of the Council providing the affirmative votes.

Mr. Kucera entered as Arnold E. Strasser, graduate student in history and one of the accused, began the defense. All parties agreed that Mr. Kucera was eligible to continue in his role on the Council.

The defense's arguments centered around its contention that the protesters meant to demonstrate against the CIA, not break any University rules. The University had charged the students with specific violations, so they would answer to these charges.

Mr. Strasser's opening statement emphasized the importance of keeping in mind the CIA issue. Stating that the central issue is "the CIA and the war and the general context of the society we're in and which we're all trying to relate to," he held that outside the issue of the CIA "this hearing has no meaning."

BULLETIN

The UCSA ended its deliberations at 3:45 this morning. Discussion had continued virtually uninterrupted from the end of the hearing at 11:30 last night.

Mr. Strasser explained his objections to the organization and noted that he had wished to bring about an open forum, a "requestioning not only of recruiting policies but also a question of what to do with problems the CIA presents us with."

Christopher Coles '69, another of the accused, then began to speak to the specific charges. He pointed out what he thought were ambiguities in policy statements 1 and 7 of President Heffner's letter. These ambiguities were elaborated on by Ira Magaziner '69, speaking as a representative of Mr. Coles. Messrs. Strasser, Coles, and Magaziner were designated to speak for the group.

George Morgan, University Professor, Stephen Graubard, Professor of History, Carlos Angulo, Professor of Engineering, Dwight Heath, Professor of Anthropology, Ernest Frerichs, Professor of Religious Studies, Gerald Storzer, Professor of French, and Edwin Honig and R. V. Cassill, Professors of English, stating their belief that on-campus recruiting was not part of the normal educational function.

Mr. Magaziner then spoke on the nature of the charges against the students, noting it was "sort of unclear what the charge is." He explained that there appeared to be a change in charges from the No-

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vember 1 letter to the November 6 letter.

He emphasized that the first letter charged the students with interfering with the normal educational process of the University, specifically by physically obstructing the two men. The second letter, mentioning rules 1 and 7 to the students for the first time, he held could have been interpreted as a change in charges.

Mr. Magaziner argued that the very ambiguity of the charges made it "fairly hard to prepare any kind of case on the charges." He stated that in line with the last sentence of policy 7, the demonstrators believed they engaged in a purely political activity they thought might have resulted in violations of the civil law.

Therefore, if the students could show they did not "cast doubt" on their "fitness as members of the University community," did not "act in a way which adversely affected the normal educational function of the University," and did not "injure or endanger the welfare of any of its other members," the matter was out of University jurisdiction.

If indeed the matter was out of the University's jurisdiction, he argued that policy 1 of President Heffner's letter could not apply. He cited four specific areas of ambiguity: the charge appeared to be changed from the first letter to the second; the second charge is unclear by itself and in connection with the first; it is hard to tell from the second charge what section of the rules pertain; and the actual rules in themselves leave much room for doubt.

Mr. Magaziner summed up by saying, "By that ambiguity students have not been given the rights granted to them. It is a potentially dangerous situation." Acknowledging that he believed the Council acted in good faith despite the resulting ambiguity, he suggested that the accused students be found innocent on the basis of their procedural rights. He noted the problems of the newness of the Council.

The Council then questioned Mr. Magaziner. Robert O. Schulze, Dean of the College, claimed that "there is little doubt what the essential issues are." Mr. Schulze charged

that Mr. Magaziner had "demeaned" the idealism of the demonstration with a "destructive legalism," a point Mr. Magaziner countered by re-emphasizing the importance of paying close attention to students rights in Council cases.

Mr. Strasser again took the stand and reiterated that the CIA protest was the real issue, that the demonstrators would have sat in and risked arrest no matter whether the interviewer was on campus or not. He added that the University charges have just "muddled" this main issue. He re-emphasized that the students were answering the University's charges because they had to. This point was reiterated by David Kertzer '69, also one of the charged.

Richard Dannenfelser, Assistant to the Chaplain, then gave what he called a "character reference" for the group in behalf of Charles Baldwin, University Chaplain, Canon John Crocker, Episcopal College Chaplain, and himself. He noted that the accused students were "not kooks, not people preoccupied with making trouble at any opportunity," but "capable, often outstanding students."

Mr. Dannenfelser testified to the students' "character, citizenship, and sincerity," asserting that they did not intend to challenge the University. He emphasized that the obstruction was mild and hoped the punishment would be also, if punishment were forthcoming. He too, stated that recruiting was not a "normal educational function" of the University.

Charged students Kenneth Goldstein and James Williams, and Mr. Goldstein's representative Thomas Dunne, closed the hearing by pointing to the principles of the action. Mr. Dunne requested that if the Council were to find the students guilty, it should not dismiss them from the University.

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